United Nations Convention on the Law of the Sea SPLOS/271

Meeting of States Parties

Distr.: General
12 May 2014

Original: English

Twenty-fourth Meeting
New York, 9-13 June 2014

Note verbale dated 8 May 2014 from the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General

The Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to refer to the twenty-fourth Meeting of States Parties to the United Nations Convention on the Law of the Sea to be held from 9 to 13 June 2014.

The Permanent Mission of the United Kingdom kindly requests that the present note and its annex be circulated under agenda item 11 (c), entitled "Consideration of budgetary matters of the International Tribunal for the Law of the Sea: Proposal by the United Kingdom of Great Britain and Northern Ireland for a mechanism to scrutinize budgets of the International Tribunal for the Law of the Sea (SPLOS/260 and Corr.1)" as a document of the Meeting of States Parties.

14-53336 (E) 160514

Please recycle

Annex to the note verbale dated 8 May 2014 from the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General

Proposal for a facilitation group

International Tribunal for the Law of the Sea: better budget understanding

The current Open-ended Working Group (OEWG) does not work well for many States parties to the United Nations Convention on the Law of the Sea, which wish to obtain more information on how a draft budget of the International Tribunal for the Law of the Sea was put together. The Open-ended Working Group, effectively the plenary by another name, provides little opportunity for States parties to ask sufficient or detailed questions of the Tribunal Registrar.

The United Kingdom wishes to improve the objective examination of budget proposals for the International Tribunal for the Law of the Sea. In advance of the twenty-third Meeting of States Parties to the Convention, the United Kingdom circulated a proposal for a mechanism to scrutinize budgets of the Tribunal (SPLOS/260). During the discussion of the proposal, some States parties expressed reluctance to introduce any new process and raised concerns regarding the possibility of incurring further costs, a potential lack of transparency, and a possible duplication of work of the Open-ended Working Group. The proposal below, for a facilitation group, seeks to meet the concerns.

Facilitation group

The purpose of a facilitation group would be to improve States parties' understanding of how a draft budget was reached, what assumptions were made, what considerations were taken into account, and why. The group would provide an opportunity for any delegation that wished to do so to ask questions of the Registrar of the Tribunal about these matters. In doing so, there would be more time in the Open-ended Working Group to explore positions, perceived problems and possible solutions.

- The facilitation group would meet early during the week of the Meeting of States Parties to the Convention.
- The facilitation group would be chaired by a State party, on a rotational basis among geographical groups. It would be attended by the Registrar of the Tribunal.
- The facilitation group would be open to all States parties to the Convention, with non-States parties entitled to observe.
- To encourage questions and allow broad participation, States parties' questions could be time-limited (for example, to five minutes) with further rounds of questions to follow once all delegations in attendance had had an opportunity to put their initial questions. Questions could also be submitted in writing in advance.
- The facilitation group session would remain open as long as was necessary until the Open-ended Working Group discussions commenced. If it was necessary to close the facilitation group before all questions posed had been

answered, these could be submitted and answered in writing and made available to all States parties.

- There would be no official report of the group. It would have no mandate to negotiate changes in the draft budget or to make recommendations to the Open-ended Working Group. In essence, group meetings would be a question-and-answer session, the purpose of which would be to aid delegations' understanding of how the Tribunal arrived at a draft budget.